REMARKS

Claims 1-21, 25 and 26 are in the application. Claims 22, 23, 24 and 27-34 have been canceled. Claims 5, 7 and 10-14 are presently withdrawn. However, claims 5 and 10-14 are properly examinable unless no generic claim is ultimately held allowable. As presented below, it is submitted that the generic claims within Group I are allowable, therefore claims 5 and 10-14 are properly examinable and should not be held to be withdrawn as non-elected.

Claims 1, 3, 6, 8 and 16-21 have been amended. No claim is allowed.

Claims 1-4, 6, 8, 9, 15-21, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in the phrases "their derivatives, their analogs", "a derivative thereof", and "or their derivatives". The claims have now been amended to delete reference to that term

Applicants disagree with the Examiner's characterization of the term "analogs" as being vague and indefinite. Not only have Applicants defined that term on page 12, lines 10-11, but that definition is consistent with the definition the Examiner has cited from Answers.com. It is not seen how a definition of that term could be clearer or better understood by those of ordinary skill in the art. Withdrawal of the rejection of that term is requested.

Claims 1-4, 6, 8, 9, 15, 16, 18, 19, 20, 21, 25, and 26 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Nag, et al., U.S. 6,794,401, hereafter "Nag". This rejection is respectfully traversed. Specifically, the examiner cites the compound in column 51, example 1 of the reference. However, the examiner's attention is directed to the substituent on the left side of that formula in column 51 of Nag that occurs on the phenyl ring. To the far left of that formula, the substituent does not come within the definition of the substituent C_2-C_1-B-A- in the present Formula I. In particular, in Formula I, C_2 and C_1 are both amino acids. In the formula in column 51 of Nag, there is only a single amino acid present. Therefore, the formula cited in column 51 does not anticipate the present claims. There are no other compounds disclosed in Nag which come within the formula defined in Formula I of the present application. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 1-4, 6, 8, 9, 25, and 26 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Fujita, et al., U.S. 6,562,849, hereafter, "Fujita." This rejection is respectfully traversed. Specifically, the examiner cites the compounds shown in columns 65 and 66 and in columns 77 and 78 of the reference. Again, looking to the substituent in these compounds in the reference that are on the left of the phenyl ring, the substituents do not fall within the definition of the substituent C_2-C_1-B-A- in Formula I of the present application. In particular, for example, in Formula I of the present application, there is a requirement that there be a C_2-C_1 moiety, which are two amino acids joined together by an amide bond. No such moiety exists in the substituents on the

phenyl ring in Fujita. Accordingly, it is respectfully submitted that this reference does not anticipate the present claims and withdrawal of the rejection is requested.

Claims 1-4, 6, 8, 9, 25 and 26 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Sohda et al., U.S. 6,552,058, hereafter "Sohda." This rejection is respectfully traversed. The examiner cites columns 1-4 of the reference. In the formulas in those columns the left hand substituent on the phenyl ring is described as $R\text{-}(Y)_m\text{-}(CH_2)_n\text{-}CHR^1\text{-}O\text{-}$. In Sohda the component Y can be a -CO- or NR_3, which means there can be only a carbonyl or an amine in the entire substituent. Thus, there cannot be an amino acid in that substituent, much less two amino acids. Therefore, the substituent described above in Sohda does not fall within the scope of $C_2\text{-}C_1\text{-}$ B-A- in Formula I of the present application. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-4, 6, 8, 9-15-21, 25 and 26 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nag. This rejection is respectfully traversed.

The examiner alleges that Nag teaches analogs and/or processes or preparation of the claimed dipeptide phenyl ethers of the present Formula I. This rejection is respectfully traversed. Nag does not teach analogs of the compounds according to the present Formula I. According to the common chemical definition of "analogs" which is consistent with Applicant's definition set forth on page 12 of the present application and the definition cited by the Examiner from Answer.com, an analog is one in which two compounds differ only by replacement by one or more heteroatoms. The compounds of Formula I contain at least an additional amino acid, C_1, which is not obtained by merely replacing one or more heteroatoms into formulas described by Nag. The presently claimed compounds are not analogs of those disclosed in Nag. If the Examiner maintains this rejection, it is respectfully requested that it be pointed out which compounds in Nag are analogs of compounds claimed herein or where analogs of the presently claimed compounds are suggested. The replacement of a single atom from a compound of Nag with, for example, an amino acid (which must contain at least nine atoms, some of which are not even heteroatoms) does not create an analog by any definition of record in this case. It is submitted that there is no teaching in Nag to make the presently claimed compounds nor their analogs.

The examiner further states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust particular conventional working conditions within the synthetic method of Nag by using different paths and/or protecting groups. This point is also respectfully traversed. The examiner fails to cite the motivation for making compounds according to present Formula I. Among the many possible ways to modify the compounds of Formula I in Nag, where is the teaching that one should only modify at the site of moiety X? And where is the motivation to modify the site at X only by adding an alpha amino acid? There is no teaching in Nag to motivate one of ordinary skill in the art to make such modifications.

Accordingly, it is submitted that the present claims are unobvious over Nag and reconsideration and withdrawal of the rejection are respectfully requested.

For the foregoing reasons it is submitted that this application is in condition for allowance. Should the Examiner wish to discuss the disposition of withdrawn claims 5, 7 and 10-14, some of which must be considered unless no generic claim is held allowable, the Examiner is invited to call the undersigned if it will expedite further prosecution or allowance of this application.

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